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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ulrich WINDMOLLER et al

Group Art Unit: 1733

Serial No.: 10/051,461

Examiner: S. Yao

Filed: January 22, 2002

For: FLOOR PLANK AND METHOD OF MANUFACTURING IT

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made a restriction requirement between the following groups of inventions for prosecution on the merits:

Group 1 - Claims 1-9, drawn to a floor plank; and

Group 2 - Claims 10-21, drawn to a method of making a floor plank.

In response to the Restriction Requirement, applicants hereby elect Group 1 (Claims 1-9).

In addition, the examiner has made an election of species requirements between the following groups for prosecution on the merits:

Species A - electrically conducting material is an iron powder;

Species B - electrically conducting material is a copper powder;

Species C - electrically conducting material is a copper-base metal alloy powder;

Species D - electrically conducting material is a graphite dust;

Species E - electrically conducting material consist of carbon fibers; and

Species F - electrically conducting material is an electrically conductive soot.

In response to the Election of Species Requirement, applicants hereby elects Species A (electrically conducting material is an iron powder). Claim 2 is readable on the elected species. Claims 1 and 9 are generic.

This election is made with traverse since it appears that a search of the subject matter of the elected species would, of necessity, overlap the search area of the non-elected species. Thus, adherence to the requirement would chiefly result in unnecessary work for the PTO in processing separate divisional application(s); unnecessary expense for the applicant in filing it and unnecessary inconvenience to the public in looking in two separate places for closely related subject matters.


It is noted that MPEP 803 states:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Moreover, it is noted that if a generic claim is ultimately held allowable, applicant will be entitled to an examination of a reasonable number of species in this application.

In view of the foregoing, it is submitted that the Restriction Requirement should be withdrawn.

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689

TPP/mat
Attorney Docket No.: TPP 31434

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 408-5200 or (202) 408-5088

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